

Chapter Four

NVRA Implementation

at

**Public Assistance Agencies,
Agencies Serving People with Disabilities,
and Other Designated Agencies**

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I. Section 7 of the National Voter Registration Act (NVRA)

A. Designated Voter Registration Agencies

The NVRA requires states to offer voter registration services at all public assistance and disability service offices. Specifically, Section 7 of the NVRA required states to designate as voter registration agencies all offices that provide public assistance and state-funded programs primarily engaged in providing services to persons with disabilities. The NVRA also required states to designate Armed Forces recruitment offices and other offices in the state as voter registration agencies.

In California, the following offices are designated as voter registration agencies under the NVRA:

NVRA Voter Registration Agencies

Department of Motor Vehicles (DMV) Field Offices

Public Assistance Agencies

County welfare department offices, which accept applications and administer benefits for the CalFresh Program, formerly known as Food Stamps and federally known as the Supplemental Nutrition Assistance Program (SNAP) and the California Work Opportunity and Responsibility to Kids (CalWORKs) program, which replaced the Aid to Families with Dependent Children (AFDC) program.

County welfare department offices, which accept applications and administer benefits for the Medi-Cal program.

County welfare department offices and community based non-profit organizations under contract with the Department of Public Health, formerly the Department of Health Services, which accept applications and administer benefits for the Women, Infants and Children (WIC) nutrition program.

County welfare departments which accept applications and administer benefits for In-Home Supportive Services Program.

[California Health Benefit Exchange CoveredCA.com](https://www.coveredca.com/)

State-Funded Agencies Primarily Serving Persons with Disabilities

Offices of the State Department of Rehabilitation, which provide vocational rehabilitation services.

Independent Living Centers

Department of Developmental Services Regional Centers

Offices of contractors with the Department of Social Services, Office of Deaf Access, which provide services to the deaf.

State and County Mental Health Providers

Armed Forces Recruitment Offices

Other Agencies Designated by the State Under NVRA

Franchise Tax Board district offices, which provide public access for income tax and Homeowner and Renter Assistance forms, instructions and assistance.

State Board of Equalization district offices, which provide services to the public.

B. Responsibilities of Voter Registration Agency Offices

At a minimum, the NVRA requires voter registration agencies to provide voter registration services each time a person:

- applies for services or assistance;
- requests renewal or recertification; or
- requests a change of address.

The NVRA requires voter registration agencies to provide the following voter registration services to each applicant:

- Distribute a Voter Registration Card (VRC);
- Distribute a Voter Preference Form (Preference Form);
- Assist applicants who ask for help with completing the VRC;
- Accept and send completed VRCs to elections officials; and
- Keep the completed Preference Forms on file for two years.

These voter registration services must be provided whether the transaction is conducted in person or remotely, for example via phone, email or Internet.

C. Equal Assistance

The NVRA requires voter registration agencies to assist applicants with filling out the VRC. Section 7 specifically requires that agencies provide each person the same degree of assistance in completing the voter registration application as is provided by the office in completing its own agency forms, unless the person declines assistance.

When an agency provides services to a person with a disability at the person's home, the agency must also provide voter registration services at the person's home.

Agencies may provide the Secretary of State's Voter Hotline: (800) 345-8683 for applicants to use if they need help registering or have questions about their voting rights.

The applicant has the right to complete the VRC without assistance, but equal assistance also entails reviewing the VRC and Preference Form for completeness, just as the agency would review its own forms for completeness.

D. Forwarding the VRC and Retaining the Voter Preference Form

The NVRA requires agencies to forward completed VRCs to elections offices within 10 days of receipt (within 5 days, if received within 5 days of the voter registration deadline). As a practical matter, agencies should forward VRCs on a daily basis. VRCs are pre-addressed to the county elections office and contain postage-paid stamp.

The NVRA requires agencies to keep completed Preference Forms on file at the NVRA agency for two years. Preference Forms should be stored in a central, chronological file, so that the agency can easily determine how many Preference Forms are received in a given month, which can help demonstrate NVRA compliance.

E. Restrictions on Influencing Applicants

The NVRA places restrictions on how agency staff may interact with applicants when providing the opportunity to register to vote. Voter registration agency staff must not:

- Seek to influence an applicant's political preference or party registration;
- Display any political preference or party allegiance;
- Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or,
- Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

II. SB 35 (Padilla), Chapter 505, Statutes of 2012

SB 35 (Padilla), Chapter 505, Statutes of 2012, effective January 1, 2013, codifies portions of the National Voter Registration Act (NVRA) into state law and places new requirements on NVRA agencies, county elections officials, and the Secretary of State.

A. SB 35 Overview

SB 35 requires **NVRA agencies** to do the following:

- Notify the county elections office of each office or site in the county;
- Designate an NVRA/SB 35 coordinator;
- Train employees annually;
- Order voter registration cards exclusively from the county elections office;
- Offer minority language forms as required by federal Voting Rights Act; and
- Offer an online voter preference form and link to California Online Voter Registration (<http://RegisterToVote.ca.gov/>) if the agency offers enrollment, renewal, or change of address transactions online.

SB 35 requires **county elections officials** to begin reporting the number of voter registrations generated by each NVRA agency office or site in the county. The Secretary of State has developed a reporting template for the 58 county elections offices. The county elections office reporting template contains a list of the known NVRA agency offices and sites in each county. County elections officials must maintain an up-to-date list of the NVRA agency offices and sites in the county and add new offices and sites to the list as appropriate.

SB 35 requires the **Secretary of State** to prepare training materials, post county NVRA reports on the Secretary of State's NVRA website, and coordinate NVRA compliance throughout the state.

B. Tracking NVRA Voter Registrations

In order to properly track NVRA registrations, SB 35 requires NVRA agencies to order all supplies of blank voter registration cards (VRCs) from county elections officials, and county elections officials must record the serial numbers of the VRCs supplied to each NVRA office or site. NVRA agencies with multiple sites in a county must

coordinate distribution of the VRCs with county elections officials to ensure proper tracking.

C. NVRA Training

SB 35 requires NVRA agencies to train employees annually on NVRA requirements and on how to assist applicants with voter registration. SB 35 requires county elections officials to assist with training, if requested by an NVRA agency. The Secretary of State's NVRA/SB 35 training materials, including an easy-to-use PowerPoint training presentation and handouts, are available on the Secretary of State's NVRA website: sos.ca.gov/elections/nvra/training/

In order to ensure uniform compliance, NVRA agencies should develop scripts for agency staff to use when providing voter registration services under the NVRA.

D. Designating an NVRA Coordinator

Under SB 35, NVRA agencies must appoint one staff person at each agency office to be in charge of NVRA compliance, including arranging staff training, ordering supplies of VRCs from the county elections office, and ensuring VRCs are submitted in a timely manner to the county elections office.

E. California Department of Social Services ACIN

Following the passage of SB 35, the California Department of Social Services issued an All County Information Notice (ACIN) to county welfare directors on the implementation of the NVRA and SB 35 at local county welfare offices. To review California Department of Social Services ACIN 1-04-13 please visit:

dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acin/2013/I-04_13.pdf

III. Voter Registration Services under the NVRA

A. How the NVRA Works in Practice

Below are examples of how NVRA compliance can be accomplished when conducting NVRA-covered transactions in various settings: in person, by mail, over the phone, or via email or the Internet. Agencies have flexibility in determining the best methods to use to ensure NVRA compliance in each setting. Therefore, in the following descriptions, the term "must" indicates a specific practice is

mandated under the NVRA, while the term “should” indicates a recommended practice that can help ensure compliance but which is not expressly mandated under the NVRA.

The United States Department of Justice (USDOJ) has published guidance on complying with the NVRA that contains a number of the practices described below. For more information, please visit the USDOJ Civil Rights Division Voting Section website directly at: http://www.justice.gov/crt/about/vot/nvra/nvra_faq.php.

In-Person/Mail Transactions: Voter registration agencies must include a VRC and Preference Form in the agency’s standard packet of application materials handed or mailed to applicants who request services or benefits, renewal, recertification, or a change of name or address. If the applicant returns the packet without the Preference Form or VRC, the agency must follow up with the applicant once to attempt to gather the missing form(s).

Agencies must offer voter registration services to the person who is filling out the agency’s forms. This includes a parent or guardian completing forms for a child. Agencies must offer assistance with completing the Preference Form and the VRC.

Phone Transactions: Agency staff must ask applicants who apply for services or benefits, renewal, recertification, or a change of name or address by phone:

“If you are not registered to vote where you live now, would you like to register today?”

Agency staff must note the applicant’s response on the Voter Preference form and if the applicant says “yes” the agency must provide an opportunity to register to vote by sending a VRC to the applicant by mail.

Email and Internet Transactions: SB 35 requires that voter registration agencies that offer the opportunity to apply online for service, assistance, or to submit a recertification, renewal, or change of address form online must allow the applicant to electronically submit a voter preference form and connect the applicant to the Secretary of State’s online voter registration form. Agencies must record the applicant’s electronic voter preference form decision. Agencies must send applicants a voter preference form and voter registration form if the applicant does not answer the electronic voter preference form.

Agencies which connect applicants to the online voter registration form must coordinate with the Secretary of State to establish electronic tracking of the number of applicants who use this form to register to vote. In addition, voter registration agencies should include a link on the agency's main webpage to the Secretary of State's online voter registration form at:

<http://registertovote.ca.gov/>

Voter Registration at Public Counters: Voter registration agencies should offer applicants an opportunity to register to vote in public areas and waiting rooms by keeping a supply of VRCs on public counters and displaying voter information. VRC supplies must be obtained from the county elections office where the agency is located. To obtain voter *educational* materials, such as posters, DVDs, and brochures, please call the Secretary of State's NVRA Office at (916) 657-2166 or email www.nvra@sos.ca.gov.

Technology Upgrades: When upgrading technology related to the application, renewal or recertification, or change of address process, NVRA agencies must ensure that voter registration services, as required by the NVRA, are integrated.

For example, if the agency offers online enrollment in services or benefits, the website enrollment interview should include an electronic preference form and a link to California Online Voter Registration (COVR) website, where the applicant can register to vote online.

B. The NVRA Preference Form and Voter Registration Card (VRC)

The NVRA requires voter registration agencies to give applicants for services or assistance **both** an NVRA Voter Preference Form (Preference Form) **and** a Voter Registration Card (VRC).

NVRA Voter Preference Form

The Preference Form must contain certain statutory language, as specified by Section 7 of the NVRA. The Secretary of State has developed a uniform Preference Form for California voter registration agencies to use.

If an agency chooses to create its own Preference Form, the form must include the following NVRA and SB 35 required language:

- The question: “If you are not registered to vote where you live now, would you like to apply to register to vote here today?”;
- If the agency provides public assistance, the statement: “Applying to register or declining to register to vote will not affect the amount of assistance you will be provided by this agency.”;
- Boxes for the applicant to check to indicate whether the applicant would like to register to vote or declines to register to vote, together with the statement (in close proximity to the boxes and in prominent type), “IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.” You may take the attached voter registration form to register at your convenience. ;
- The statement: “If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek help is yours. You may fill out the application form in private.”; and
- The statement, “If you believe that someone has interfered with your right to register or decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____.” (*The blank should be filled with the name, address, telephone number, e-mail address, and website of Secretary of State.*)

As noted above, both the Preference Form and the VRC must be provided to each applicant along with agency’s own forms routinely distributed to applicants during intake, renewal, recertification, and a change of address procedures.

Completing the Voter Preference Form

For in-person transactions, the voter registration agency should ask the applicant to complete the Preference Form and VRC. For remote transactions, if an applicant does not complete and return a Preference Form, agency staff should attempt to follow up once with the applicant to find out whether the applicant would like to register to vote or needs assistance.

Agencies are not required to complete Preference Forms on behalf of applicants who choose not to return the Preference Form in a transaction. In such instances, after following up with the person, agencies may include a blank Preference Form with the applicant's name in their records and write "no response" on the form.

NVRA Voter Preference Form (Preference Form)

If you are not registered to vote where you live now, would you like to apply to register to vote here today?

(Check One)

☐ Already registered. I am registered to vote at my current residence address.

☐ Yes. I would like to register to vote. (Please fill out the attached voter registration form.)

☐ No. I do not want to register to vote.

NOTE: IF YOU DO NOT CHECK A BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME. YOU MAY TAKE THE ATTACHED VOTER REGISTRATION FORM TO REGISTER AT YOUR CONVENIENCE.

Applicant Name _____

Date _____

Important Notices

1. Applying to register or declining to register to vote will **not** affect the amount of assistance that you will be provided by this agency.
2. If you would like help in filling out the voter registration form, we will help you. The decision whether to seek or accept help is yours. You may fill out the voter registration form in private.
3. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party preference or other political preference, you may file a complaint with the Secretary of State by calling toll-free (800) 345-VOTE (8683) or you may write to: Secretary of State, 1500 - 11th Street, Sacramento, CA, 95814. For more information on elections and voting, please visit the Secretary of State's website at www.sos.ca.gov.

01/13 NVRA Voter Preference Form

California Voter Registration Card (VRC)

The NVRA requires all states to accept the National Mail Voter Registration Form but allows each state to develop its own voter registration form, as long as it is equivalent to the federal form.

In California, the Secretary of State prints and supplies VRCs to county elections officials. In turn, county elections officials distribute supplies of VRCs to voter registration agencies within the county.

County elections officials record the serial number ranges of VRCs distributed to voter registration agencies in order to be able to track the number of completed VRCs returned and attribute new registration data to the voter registration agency office or site that distributed the form.

Voter registration agencies must distribute the California VRC rather than the National Mail Voter Registration Form in order to ensure county elections officials can properly track and report the number of registrations each public assistance agency generates.

In 2008, the Secretary of State re-designed the California VRC using the services of a language readability expert to make the form easier to read and complete.

California Voter Registration Card (VRC)

CALIFORNIA VOTER REGISTRATION FORM SOS

Fill out this form if you are a new voter, have moved or changed your name, or want to change your political party preference. You must be a U.S. citizen and at least 18 years old by the next election to use this form. Use blue or black ink. Print clearly.

Your legal name: First name _____ Middle name _____

① Last name _____ Optional ③ ☐ Mr. ☐ Mrs. ☐ Ms. ☐ Miss

② Home address – not a P.O. Box or business address – (Number, Street, Ave., Drive, etc. Include N, S, E, W) _____ Apt or unit # _____

④ City _____ State _____ Zip _____ California county _____

⑤ If you do not have a street address, describe where you live (Cross streets, Route, N, S, E, W) _____

⑥ Mailing address – if different from above, or P.O. Box _____

⑦ City _____ State _____ Zip _____ Foreign country _____

⑧ Date of birth _____ U.S. state or foreign country of birth _____

⑨ CA driver's license or CA ID card # _____ If you do not have a CA driver's license or ID card, list the last 4 numbers of your Social Security Number, if you have one. * * * * * SSN (last 4 numbers) _____ Phone numbers are posted at polling places on election day.

⑪ Email (optional) _____ Phone number (optional) _____

⑫ Do you want to choose a political party preference?

☐ **No Party Preference.** No, I do not want to choose a political party preference. (If you check this box, you may not be able to vote for some parties' candidates at a primary election for U.S. President or party committee.)

☐ **Yes, my political party preference is (check one):**

☐ American Independent Party ☐ Democratic Party ☐ Green Party

☐ Libertarian Party ☐ Peace and Freedom Party ☐ Republican Party

☐ Other (specify): _____

⑬ To receive a vote-by-mail ballot in all elections, initial here: _____

⑭ If you were registered to vote before, fill out below:

First name _____ Middle initial _____ Last name _____

Previous address where you were registered _____ City _____

State _____ Zip _____ Previous county _____ Previous political party preference (if any) _____

⑮ Are you a U.S. citizen? ☐ Yes ☐ No

Will you be 18 or older by the next election? ☐ Yes ☐ No

➡ A "No" answer to either question means you CANNOT register to vote.

⑯ **Read and sign below.**

I am a U.S. citizen and will be at least 18 years old on election day. I am not in prison or on parole for a felony. I understand that it is a crime to intentionally provide incorrect information on this form. I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

➡

Voter Signature _____ Month _____ Day _____ Year _____

59 BS 140001

Important! To vote in the next election, you must mail or deliver this card at least 15 days before the next election. New voters who register by mail may have to show their ID at the polling place the first time they vote.

Tear here and fold. Moisten edge to seal. Do not staple or tape. The bottom part is your receipt. Keep it until you receive a Voter Notification Card in the mail.

As a registered voter, you may vote for any candidate for state or congressional office, regardless of the party preference or lack of party preference chosen by you or the candidate.

Optional

A. ☐ Check here if you can be a poll worker. (If bilingual, indicate language: _____)

☐ Check here if you can provide a polling place on election day.

B. Your ethnicity/race: _____

C. Check your language preference: ☐ English ☐ Spanish ☐ Chinese ☐ Vietnamese ☐ Korean ☐ Tagalog ☐ Japanese ☐ Vietnamese ☐ Tagalog ☐ Japanese

Did someone help you fill out or deliver this form?

If yes, the person who helped you must fill out and sign both parts of this green box.

Signature _____ Month _____ Day _____ Year _____

Name, address, and tel.: _____

Org. name and tel. (if any): _____

(This part is the voter's receipt.)

Signature _____ Month _____ Day _____ Year _____

Name, address, and tel.: _____

Org. name and tel. (if any): _____

C. Getting Supplies of Voter Registration Cards

The Secretary of State prints county-specific postage-paid Voter Registration Cards (VRCs), which include the address of the county elections office, for each of California's 58 counties.

Public assistance service and other voter registration agencies must obtain supplies of VRCs from the county elections office in the county where the agency office is located. This will ensure proper tracking and reporting of completed registrations and help attribute new registrations to the correct voter registration agency.

As noted above, while the National Voter Registration Form is valid and accepted in California, voter registration agencies should avoid distributing copies of the national form and instead obtain and distribute supplies of the state VRC from their county elections office (or from the Secretary of State in coordination with their county elections office). The national form contains no serial number and gives county elections officials no method of tracking whether a new registration came from a voter registration agency.

Using the California VRC helps ensure: 1) completed VRCs will be returned to the county elections office where the voter lives, because the VRC is self-addressed and postage paid; and 2) the county elections office can properly track and report the number of voter registrations coming from local voter registration agency offices.

The Secretary of State, the federal Election Assistance Commission, and the United States Department of Justice review reports of the number of voter registrations coming from voter registration agencies in order to determine whether agencies are providing the opportunity to register to vote in compliance with the NVRA. To ensure public assistance agencies are recognized for their compliance with the NVRA, all supplies of VRCs must be obtained from the county elections office in which the agency is located.

D. Confidentiality

The NVRA requires a voter's decision to register or decline to register to vote to be kept confidential. The NVRA also requires the location (e.g., public assistance agency) where an applicant registers to be kept confidential. One of the primary goals of the NVRA's confidentiality provisions is to protect the privacy of applicants who receive public assistance or disability services.

In California, voter registration agencies and elections offices must keep information regarding an applicant's choice to register or decline to register, including voter preference forms, as well as the identity of the agency through which a particular voter registered confidential.

In order to protect privacy and accurately report on voter registration at public assistance agencies, county elections officials should distribute VRCs by assigning specific blocks of VRC affidavit numbers to public assistance agencies and tracking those affidavit numbers as completed VRCs are returned to elections offices.

E. Providing NVRA Materials in Other Languages

Section 203 of the Voting Rights Act (VRA) requires that, in covered jurisdictions, all election information available in English be made available in certain minority languages. Covered jurisdictions are determined by the Census Bureau based upon a formula in the VRA. Under the most recent US Census Bureau determination, the state of California is covered for Spanish language assistance. Additionally, eight counties are covered for one or more Asian languages. The NVRA requires that voter registration agencies in counties covered by Section 203 of the VRA provide election materials in covered languages.

Agencies with offices in counties covered by Section 203 of the VRA should contact their county elections offices for materials, including VRCs in covered languages.

County elections offices have supplies of Voter Registration Cards (VRCs) in every language required by the federal Voting Rights Act in that county.

The Preference Form is available in 10 languages: Spanish, Chinese, Hindi, Japanese, Khmer, Korean, Tagalog, Thai, and Vietnamese. All versions of the Preference Form may be downloaded and printed from the Secretary of State's NVRA website:

sos.ca.gov/elections/nvra/training/voter-preference-forms.htm

III. Transmittal Deadlines and Late Registrations

A. Transmittal of Voter Registration Cards (VRCs) to County Elections Office

The NVRA requires that voter registration agency offices transmit completed voter registration cards to the county elections office within 10 days. If a voter registration agency receives a completed VRC within five days of the voter registration deadline (the 15th day prior to an election), the agency must transmit the VRC to the county elections office within five days.

In order to meet these transmittal deadlines, each NVRA voter registration agency office must establish procedures for ensuring timely transmittal of accepted forms to the appropriate local elections official. These procedures should be developed in consultation with the local elections official to whom the forms will be transmitted.

Daily transmittal of completed VRCs

Since the California VRC is a self-addressed and postage-paid form, voter registration agencies should make it part of their daily routine to drop completed VRCs in the mail. If the voter registration agency is located in the same facility as the county elections office, the agency may hand deliver or use inter-office mail on a daily basis to transmit completed VRCs to the county elections office.

B. Late Voter Registrations

The voter registration deadline in California is the 15th day prior to each election. Under the NVRA, if a person completes and submits a VRC to an NVRA voter registration agency on or before the voter registration deadline, the registration is timely.

Elections officials should make every effort to transmit completed registration forms from agency offices daily in order to minimize the number of registrations that arrive at the elections office after the deadline to register.

Elections officials should notify NVRA agency offices of upcoming election dates and voter registration deadlines and should remind NVRA agencies of the need to transmit VRCs on a daily basis. This will help minimize the number of provisional ballots used in a given election.

V. Resources

Secretary of State NVRA Website

sos.ca.gov/elections/nvra/

Training Materials for NVRA Agencies

<http://www.sos.ca.gov/elections/nvra/training/>

SB 35 Implementation Workshop Materials

sos.ca.gov/elections/nvra/sb35/

Voter Hotlines

(800) 345-VOTE (8683) - English

(800) 232-VOTA (8682) - Español / Spanish

(800) 339-2857 - 中文 / Chinese

(888) 345-2692 - हिन्दी / Hindi

(800) 339-2865 - 日本語 / Japanese

(888) 345-4917 - ខ្មែរ / Khmer

(866) 575-1558 - 한국어 / Korean

(800) 339-2957 - Tagalog

(855) 345-3933 - ภาษาไทย/Thai

(800) 339-8163 - Việt ngữ / Vietnamese

(800) 833-8683 - TTY/TDD

County Elections Offices

http://www.sos.ca.gov/elections/elections_d.htm

U.S. Department of Justice Civil Rights Division Voting Section

justice.gov/crt/about/vot/nvra/activ_nvra.php

Secretary of State NVRA Coordinator

Phone: (916) 657-2166

Fax: (916) 653-3214

Email: nvra@sos.ca.gov